

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150  
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

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71 AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State  
72 Police Act [20 ILCS 2610].

73

74 SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a  
75 maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978,  
76 for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 51, p. 100, effective December  
77 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25,  
78 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4  
79 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill.  
80 Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982;  
81 codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983;  
82 emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150  
83 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of  
84 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721,  
85 effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified  
86 from the Department of Law Enforcement Merit Board to the Department of State Police Merit

Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13663, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. 5092, effective February 26, 1998; amended 22 Ill. Reg. 18076, effective September 28, 1998; amended at 24 Ill. Reg. 1276, effective January 5, 2000; emergency amendment at 24 Ill. Reg. 16103, effective October 12, 2000, for a maximum of 150 days; emergency expired March 11, 2001; amended at 25 Ill. Reg. 10853, effective August 10, 2001; amended at 26 Ill. Reg. 9968, effective June 19, 2002; amended at 26 Ill. Reg. 14694, effective September 23, 2002; amended at 27 Ill. Reg. 19038, effective December 3, 2003; amended at 29 Ill. Reg. 6084, effective April 15, 2005; amended at 30 Ill. Reg. 10609, effective June 2, 2006; amended at 30 Ill. Reg. 19727, effective December 15, 2006; amended at 31 Ill. Reg. 15296, effective November 5, 2007; amended at 36 Ill. Reg. 4419, effective March 12, 2012; amended at 44 Ill. Reg. 2576, effective January 24, 2020; emergency amendment at 46 Ill. Reg. 2768, effective January 28, 2022, for a maximum of 150 days; emergency expired June 26, 2022; amended at 46 Ill. Reg. 3589, effective February 17, 2022; amended at 46 Ill. Reg. 15350, effective August 24, 2022; amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: DEFINITIONS

### Section 150.10 Definitions

As used in this Part, the following terms shall have the meanings specified:

"Act" – The Illinois State Police Act ~~"AN ACT in relation to the Department of State Police" (20 ILCS 2610 Ill. Rev. Stat. 1987, ch. 121, pars. 307.3 through 307.14) and all amendments thereto;~~

"Appointment" – The Director's authority to assign certified applicants to sworn positions in the Department of State Police or to assign applicants to the Academy;

"Background Investigations" – A review of character, integrity, education, job experience, credit, traffic/criminal records, ~~medical history~~ and other factors bearing on applicants' fitness to fulfill a Department of State Police Officer position;

"Board" – The ~~Department of~~ State Police Merit Board;

"Board Docket" – A chronological record of all motions, orders, notices, petitions and other documents filed in each disciplinary procedure before the Board;

"Bona Fide Applicant" – A person who personally completes and files with the ~~Department of~~ State Police Merit Board a formal written application for a ~~Department of~~ State Police Officer position for which the ~~Department of~~ State Police Merit Board is accepting applications on the date and at the place of receipt of the application;

"Candidate" – A ~~Department of~~ State Police Officer who participates in the promotional processes conducted by the ~~Department of~~ State Police Merit Board in accordance with the Act, Administrative Rules, and Merit Board policies~~prescribed Rules, Regulations and Procedures~~;

"Certification" – The Board's authority to designate applicants and candidates eligible for appointment or promotion;

"Chairperson~~Chairman~~" – Chairperson~~Chairman~~ of the ~~Department of~~ State Police Merit Board;

"Classification of Ranks" – Delineation of the standards and qualifications for each designated rank;

"Complaint" – A written statement of charges filed by the Director seeking suspension in excess of thirty days, demotion, or discharge;

"Days" – Calendar days;

"Deputy Director" – Deputy Director in charge of a Division within the ~~Department of~~ State Police;

"Director" – Director of the ~~Department of~~ State Police;

"Division" – A Division within the ~~Department of~~ State Police;

"Executive Director" – Executive Director of the Board;

"Felony" – An offense for which a sentence to death or to a term of imprisonment in a penitentiary for one year or more is provided;

"Hearing Officer" – A person duly qualified and designated by the Board to preside over disciplinary hearings;

~~"Medical Examiner" – A licensed physician appointed by the Board who performs medical examinations and serves as an advisor;~~

"Notice of Disciplinary Action" – A written statement by the Director, or their designee, ~~Deputy Director~~ imposing disciplinary measures of thirty days or less suspension, restitution, written reprimand, or letter of admonition ~~loss of regular days off~~;

"Order" – A written decision of the Board;

"Petition for Review of Suspension" – A written statement by a suspended sworn officer seeking a review by the Board of a suspension of thirty days or less;

"Promotion" – The Director's authority to advance certified sworn officers to the next higher rank;

"Reporter" – A certified court reporter selected by the Board to transcribe hearings;

~~"Deputy Director" – Deputy Director in charge of a Division within the Department of State Police;~~

"Suspension" – Temporary removal of a sworn officer from duty without pay;

"Sworn Officer" or "Officer" – Any State Police Officer or Special Agent of the ~~Department of~~ State Police.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: DISCIPLINARY ACTION

### Section 150.510 Merit Board Jurisdiction

The Board shall exercise jurisdiction over the discipline, removal, demotion and suspension of those appointed as sworn officers. Disciplinary measures prescribed by the Board may be taken

by the Director or ~~their designee~~Deputy Director, as outlined ~~in this Part. Such~~below, and such actions shall be in response to violation of any rules and regulations of the Illinois State Police and its applicable divisions as promulgated by the Department, or in response to violations of sections 12.6 and 12.7 of the State Police Act. ~~The Board will not consider any complaint based upon conduct which antedates by three years the date the complaint is filed, except in those instances where the conduct complained of is parallel to criminal conduct as provided by the laws of this state, the United States or any governmental subdivision thereof, in which case this shall conform with the applicable criminal statute of limitations when the applicable criminal statute of limitations is longer. On Petitions for Review, the Board will reverse the suspension based on conduct which antedates by three (3) years the date the suspension was given.~~

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 150.520 Discipline Afforded to the ~~Deputy~~ Director

The ~~Deputy~~ Director, or their designee, may take disciplinary action against a sworn officer ~~assigned to their respective division~~ without presenting the matter to the Board; however, a "Notice of Disciplinary Action" shall be filed with the Board at the time such action is taken. Such action shall include any one or all of the following:

- a) Suspend any sworn officer for violation of the Illinois State Police Rules and Regulations of the applicable division for any period not to exceed 30~~thirty~~ days.
- b) Require restitution for negligent damage, destruction, or loss of State property. Such action may be taken when an investigation of the incident leading to the loss or damage demonstrates that the conduct of the officer was negligent. Violation of the applicable division Rules and Regulations creates a rebuttable presumption of negligence.
- c) Issue a written reprimand or letter of admonition.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 150.530 Notification to Disciplined~~Suspended~~ Officer

The Director, or their designee, ~~Deputy Director~~ shall notify any officer disciplined under Section 150.520~~the suspended officer~~ by letter ~~or by telegram~~ of that officer's discipline~~suspension~~, which notification shall state the discipline imposed, and in the case of a suspension, the time and date the suspension is to begin and end. This notification shall also inform the officer of the date(s), when known, of the alleged violation(s), the specific rules violated, the specific conduct violating the rule, the specific disciplinary action to be taken, and the officer's right to petition for review by the Board, if suspended, or the Director, for discipline other than a suspension~~within ten (10) days.~~

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 150.540 Petition for Review

Any sworn officer so suspended under Section 150.520 shall have 10 days after notice of suspension is received to petition the Board in writing, as set forth in Section 150.550, to review the suspension. A copy of the Petition shall be forwarded to the Director of the Illinois ~~Department of~~ State Police who shall then have 10 days from the date of receipt to respond to the Board on the Petition. The Board shall, no later than 90 days after the date of the request for review, set the written petition for hearing before the Board upon not less than 10 days notice or, by unanimous decision, dismiss the Petition if it has determined that there is no substantial basis for its review of the suspension.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 150.560 Filing Procedures

- a) The Petition for Review must be filed within ~~ten (10)~~ days after notice of suspension is received. Failure to so file within such time limits will result in an automatic dismissal of the appeal.
- b) The Petition for Review shall be deemed ~~as~~ filed with the Board when accomplished in any of the following ways:
  - 1) Filed in person by the officer or by a representative of the officer at the Board Office, 531 Sangamon Avenue East, Springfield, IL 62702, during regular business hours, from 8:00 a.m. to 4:30 p.m. ~~8:30 a.m. to 5:00 p.m.~~, Monday through Friday, or
  - 2) Mailed to the Board Office by certified or registered mail. The U.S. Post Office record as recorded on the envelope shall be considered as the date and time of filing such petition with the Board, ~~or~~
  - 3) ~~A telegram sent to the Board containing information required in Section 150.550 and a statement that the officer desires to appeal his/her suspension and is immediately mailing the required Petition. In that instance, the time and date on the telegram shall be considered as the date and time of filing such Petition with the Board.~~

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 150.565 Procedure for Processing Petition for Review



Upon receipt of the Petition, the Merit Board will mail two copies of the Petition to the ~~petitioner's respective Deputy~~ Director advising ~~them~~~~that party~~ of the receipt of the Petition and setting forth the date, time, and place of hearing on the Petition, which shall be not later than 90 days ~~after from~~ the ~~receipt date~~ of the request for review and upon not less than 10 days notice. The Board will notify the petitioner and ~~the petitioner's his/her~~ attorney (if any) by certified mail, of the time and place of the hearing. Within ~~5 five~~ working days after the ~~Department receives~~~~Board accepts~~ the Petition for Review, the Director shall deliver to the Board a copy of the Department's investigatory file relating to the Petition for Review. The investigatory file shall include all material in the Department's file relating to the investigation of this matter brought for review that is subject to discovery. In the event any part of the investigatory file is not made available, the Department shall state its objection to production and the basis for that objection. The Board shall immediately make the investigatory file available to the ~~petitioner officer~~ and ~~the petitioner's or his or her~~ attorney. The hearing will be conducted in accordance with Subpart F of this Part.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 150.575 Discipline Requested by~~Afforded~~ the Director**

The Director shall have the authority to file written charges with the Board requesting that for cause, the officer be removed, demoted, or suspended for any period exceeding ~~thirty (30)~~ days.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 150.580 Complaint Procedures**

In all cases where the Director ~~requests~~~~initiates~~ discipline under Section 150.575, the Director shall file with the Board a written complaint ~~consisting of an original and six (6) copies~~ setting forth a plain, clear and concise statement of the facts upon which the Complaint is based. The Complaint shall include the title and text of the Illinois State Police rule(s) or regulation(s) violated, the statutory provision(s) violated, or both, and the specific disciplinary action requested by the Director. Within ~~five (5)~~ working days after the filing of the Complaint, the Director shall deliver to the Board a copy of the Department's investigatory file relating to the Complaint. *Said investigatory file shall include all material in the Department's file relating to the investigation of this matter brought for review which is subject to discovery. In the event any part of the investigatory file is not made available, the Department shall state its objection to production and the basis therefor.* The Board shall immediately make the investigatory file available to the officer and/or his or her attorney. The hearing will be conducted in accordance with Subpart F of this Part.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



### Section 150.590 Notification to Officer

On receipt of the written~~original and six copies of the~~ complaint from the Director, the Board will send a written notice to the ~~sworn~~ officer, enclosing a copy of the complaint. This notice shall advise the officer of the filing of the complaint and notify the officer of the time and place of hearing of the charges contained in the complaint. The notice, with the enclosed copy of the complaint, shall be sent to the officer~~employee~~ by either registered or certified mail, return receipt requested, to the residence of the officer~~employee~~ shown on the face of the complaint. Such delivery to the officer's residence as shown by the return receipt shall be due service of the complaint on the ~~sworn~~ officer. A copy of the notice to the sworn officer shall be mailed to the Director, and shall constitute due notice to the Director of the time and place of the hearing on the complaint.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: HEARINGS

### Section 150.665 Hearing Procedures

- a) All hearings shall be public.
- b) At the time and place of the hearing, both the Director and ~~sworn~~ officer may be represented by counsel if they so desire.
- c) All proceedings before the Board during the conduct of the hearing shall be recorded by a reporter to be employed by the Board.
- d) The records of all hearings will not be transcribed by the reporter unless requested by the Board or any party of interest. All transcripts shall be paid for by the requesting party.
- e) All witnesses shall be sworn prior to testifying.
- f) The matter will be decided by the Board on evidence presented at the hearing. The Department shall be required to prove its case by a preponderance of evidence for violations of the Illinois State Police rules and regulations, or by clear and convincing evidence for violations of sections 12.6 and 12.7 of the State Police Act.
- g) Each party may make an opening statement after which the Department will present its case. Thereafter, the officer may present and examine those witnesses the officer desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

- h) A copy of any rules and regulations certified by the Director or Deputy Director shall be received in evidence with the same effect as the original.
- i) In the hearing of any case, any party or ~~the party's his~~ agent may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination is not concluded thereby, but may rebut the testimony thus given by counter-testimony and may impeach the witness by proof of prior inconsistent statements.
- j) If the Hearing Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling ~~the witness him~~ as if under cross-examination. The party calling an occurrence witness may, upon showing that ~~the party he~~ called the witness in good faith but is surprised by ~~the witness his~~ testimony, impeach the witness by proof of prior inconsistent statements.
- k) A proposal for decision by the Hearing Officer shall be mailed to the Board and the parties within 45 days after completion ~~of the after~~ hearing on the Complaint ~~or Petition for Review~~ ~~or Petition for Review~~. The parties may then file with the Board written comments or arguments within 15 days after receipt of the proposed findings. The filing of the parties' written comments or arguments shall be in accordance with Section 150.685 of this Part with a copy being mailed to the Hearing Officer. The Hearing Officer may then file a response to the comments or arguments of the parties within 15 days after receipt of any comments or arguments of the parties.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 150.680 Decisions of the Board

All decisions of the Board as to guilt or innocence will be announced within 90 days after receipt of the Hearing Officer's proposal for decision, or within 90 days after the Hearing Officer's response to the parties' comments or arguments, whichever is later, as outlined in this Section.

- a) After the hearing on a Complaint, the Board shall render a written decision outlining the findings of fact upon which the decision is based and mail it by either registered or certified mail, return receipt requested, to the officer charged. A copy of the decision shall be mailed to the Director. The decision will find the officer not guilty, if the charges are not proven, or guilty, if the charges are established by:
- 1) a preponderance of the evidence for violations of the Illinois State Police rules and regulations; or

2) by clear and convincing evidence for violations of sections 12.6 and 12.7 of the Illinois State Police Act;~~or not guilty.~~

b) If the Board finds the officer guilty of any or all of the accusations included in the Complaint for violations of Illinois State Police rules and regulations, the Board will promptly order the officer's discharge, demotion, or a suspension for a period of not more than 180 days, or recommend participation in a rehabilitative program, including but not limited to the State Employee Assistance Program, whichever in the opinion of the Board is most applicable.

c) If the Board finds the officer guilty of any or all of the accusations included in the Complaint for violations of section 12.6 of the State Police Act, the Board shall order the officer's termination.

d) If the Board finds the officer guilty of any or all accusations included in the Complaint for violations of section 12.7 of the State Police Act, the Board may order the officer's termination.

e) If the officer is found not guilty or has served a period of suspension greater than prescribed by the Board, the Board shall order that the officer receive compensation for the period involved. The award of compensation shall include interest at the rate of 7% per annum. This determination will be based on the final decision of the Board, the officer, and legal counsel after reviewing all pertinent information including, but not limited to, monies due to the State or to third parties involved in the charges; and income earned or received by the officer during the period involved. Officers are required to disclose any income earned or received (e.g., public assistance or unemployment compensation) during the period involved.

~~e)~~b) After the hearing on a Petition for Review, the Board will render a written decision outlining the facts upon which the decision is based, and mail it by either registered or certified mail, return receipt requested, to the officer filing the Petition. A copy of the decision shall be mailed to the Director. The decision will find the officer guilty, if the contents of the Notice of Suspension are established by a preponderance of the evidence, or not guilty. If the Board finds the officer guilty of any or all of the contents of the Notice of Suspension, the Board may sustain, reduce, or reverse the action of the Director, or their designee~~Deputy Director~~; and in the event of reversal or reduction, the Board shall order that the officer receive the pay for the appropriate period involved. The award of compensation shall include interest at the rate of 7% per annum. The Board may not increase the extent of disciplinary measures upon appeal of a suspension of up to 30 days. The~~Such~~ decision shall be supported by a statement of findings of

fact. A copy of the decision shall be mailed to the attorneys of record, the Director, or their designee, ~~and the Deputy Director~~ that initiated the action.

~~f)~~<sup>e)</sup> The Director shall carry out the order of the Board, and if the accused officer refuses to abide by the order, the Director shall remove the officer immediately.

~~g)~~<sup>d)</sup> If the Board finds that a party has made allegations or denials without reasonable cause or has engaged in frivolous litigation for the purpose of delay or needless increase in the cost of litigation, it may order that party to pay the other party's reasonable expenses, including costs and reasonable attorney's fees.

(Source: Amended at 47 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)